

FACT SHEET | Rulemaking Reform

Better Government for a Better Minnesota

State agencies are responsible for writing the rules that implement and enforce new laws. Currently, the process for writing those rules is slow and complex, sometimes taking up to two years to complete. Governor Dayton is proposing reforms to the rulemaking process that will make the process faster and easier to understand, while protecting the public's right to participate and providing the opportunity for independent legal review.

Streamlining Government Bureaucracy

- **Speeding Up the Process.** Right now, rulemaking takes anywhere from 9 to 24 months to complete, depending on the law. Under the Governor's proposal, routine and non-controversial rules will be completed in half that time.
- **Providing Certainty for Citizens, Businesses, and Communities.** Speeding up the rulemaking process – especially for routine and non-controversial rules – will eliminate unnecessary delays that cause confusion and frustration for Minnesotans. It will give citizens, communities, and businesses the certainty they need to plan for the future, and adjust to new laws.

Protecting Public Participation

- **Including the Public in the Process.** Streamlining government bureaucracy should not come at the cost of public participation. That is why Governor Dayton's plan to reform the rulemaking process ensures the public has the opportunity to weigh-in and improve the rules written by state agencies.

Four Significant Rulemaking Reforms

- **Putting Citizens in the Driver's Seat.** During the rulemaking process, the Office of Administrative Hearings (OAH) reviews a completed rule to determine whether each individual piece of that rule is needed and reasonable. The Governor's plan would streamline the process, only requiring the OAH to review the pieces of the rule that received public comment. This allows the public to decide where there is need for more discussion and independent review.
- **Finding the Right Time for the Public to Weigh-In.** Right now, state agencies sometimes ask for the first round of input from the public too early – slowing down the process. Making this first round of public comments optional for less controversial matters will streamline the process and help ensure the public is weighing-in on specific proposals, not just an undefined concept or idea.
- **Making Rulemaking Explanations Simpler and Easier to Understand.** Before a state agency writes a new rule, they have to explain what it does and why it is needed in a document called a Statement of Need and Reasonableness (SONAR). The Governor's plan would simplify the SONAR, making it shorter, easier to read, and more relevant to the specific rule that is being proposed.
- **Reforming the Hearings Process.** Sometimes, public hearings are a necessary and productive part of the rulemaking process. But the current threshold for requesting these hearings is too low, requiring only 25 signatures. That low threshold sometimes causes hearings to become a roadblock for common sense rulemaking reforms. The Governor's plan would require a minimum of 100 citizens petitioning for a hearing – the same threshold that is required for environmental review.